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**Promotion and protection of human rights:
human rights questions, including alternative approaches
for improving the effective enjoyment of human rights and
fundamental freedoms**

Situation of human rights defenders

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, in accordance with General Assembly resolutions 66/164 and 68/181 and Human Rights Council resolutions 16/5 and 25/18.

* A/69/150.



Report of the Special Rapporteur on the situation of human rights defenders

Summary

The present report, which is the first by the Special Rapporteur, is essentially focused on the manner in which he approaches his mandate and on the vision and priorities that he has established for the coming years. The Rapporteur analyzes the terms of his mandate, as set forth in Human Rights Council resolution 16/5 and extended in resolution 25/18; describes the working methods of the mandate and the techniques used; and presents a brief overview of the activities that he has undertaken in the course of the first weeks of his mandate.

The Special Rapporteur then gives details of his vision for the mandate and the priorities that he has set himself for the coming years. Thus, he intends to work on a thorough analysis of trends and problems as well as on identification of the challenges to which human rights defenders are the most exposed, notably the issue of the legal framework within which they work, and the hindrances that certain national legislations place in the way of their legitimate activities of promotion and protection of human rights, so as to contribute to a more effective protection for them. The Special Rapporteur intends to strengthen his cooperation with other mandate holders and regional mechanisms, especially through exploring the possibility of developing greater synergies and new joint actions. He plans to ensure better follow-up to communications and country visits, in particular by exploring the possibility of new working methods. He hopes to be in a position to contribute to the development and distribution of good practices among States, all stakeholders and the defenders themselves.

The dissemination of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms will be a priority objective to which the Special Rapporteur will pay very close attention. The issue of enhancing the visibility of the situation of human rights defenders will be an important thrust of his work, to which end he intends to utilize all the resources offered by modern communication techniques. Finally, he plans also to work on the issue of the reprisals to which defenders are exposed in their interaction with the United Nations, regional organizations and other stakeholders, and to take part in combating any impunity enjoyed by the perpetrators of such reprisals.

I. Introduction

1. The present report is the first submitted to the General Assembly by the current Special Rapporteur on the situation of human rights defenders and the fourteenth submitted by the mandate holder on human rights defenders since the establishment of the mandate in 2000. It is submitted pursuant to Human Rights Council resolution 25/18 and General Assembly resolution 66/164.
2. The work of the Special Rapporteur will also be guided by the thematic resolutions, in particular General Assembly resolution 68/181 and Human Rights Council resolutions 22/6 and 13/13.
3. The overriding spirit of this first report is one of humility in the face of the scale of the task ahead of the Special Rapporteur and a sense of his responsibility towards human rights defenders. The Special Rapporteur wishes to stress here how important it is that the special procedures mandate holders should be able to act with independence. In his case, such independence means that he is primarily and ultimately responsible for the decisions he will adopt and the actions he will take in performing the mandate entrusted to him, for which he will be accountable before the members of the Human Rights Council.
4. The Special Rapporteur also wishes to underline how much he has inherited from the founding spirit of the preceding two mandate holders, Ms. Hina Jilani and Ms. Margaret Sekaggya, who succeeded in providing this mandate with the scale and visibility needed to help establish the legitimacy and recognition of the work of human rights defenders. He intends to be guided by their work as he continuously seeks to develop highly innovative working methods, such as will contribute to a more effective protection of the defenders.
5. The Special Rapporteur has elected to focus this report on his vision for the manner in which he intends to perform the mandate entrusted to him by the Human Rights Council and on the chief priorities which he will pursue during the opening years of carrying out that mandate.
6. This choice he has made is intended in the first place to provide clear information to States and to other stakeholders on the interpretation that he places on the terms of reference of the mandate entrusted to him, and secondly to set forth, in the latter part of the present report, the principal lines of action he will pursue.
7. The Special Rapporteur intends in particular to ensure widespread awareness and ownership of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
8. He intends to join with others in enhancing his knowledge and application of good practices.
9. The Special Rapporteur hopes to be able to establish conditions that will enable him to have closer interaction with governments in following up on communications and dealing more effectively with the matter of impunity.
10. In the communications area, his objective is to bring about greater visibility for and enhanced knowledge of the role played by defenders.

11. The Special Rapporteur has noted with concern the resurgence of reprisals against defenders and intends to make a contribution to awareness-raising among all actors as to the political responses to be applied to this issue.
12. He will specifically monitor at-risk groups in order to be able to put forward a more appropriate response to the problems encountered by them.
13. Finally, the Special Rapporteur intends to strengthen cooperation and to develop greater synergy with other mandate holders, regional mechanisms and all stakeholders.

II. Mandate

14. The Human Rights Council examined the mandate relating to the situation of human rights defenders and extended it in its resolutions 7/8 and then 16/5, stating the responsibilities of the position of mandate holder in the following terms:

"(a) To promote the effective and comprehensive implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through cooperation and constructive dialogue and engagement with Governments, relevant stakeholders and other interested actors;

"(b) To study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

"(c) To recommend concrete and effective strategies to better protect human rights defenders through the adoption of a universal approach, and to follow up on these recommendations;

"(d) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

"(e) To integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders;

"(f) To work in close coordination with other relevant United Nations bodies, offices, departments and specialized agencies, both at Headquarters and at the country level, and in particular with other special procedures of the Council;

"(g) To report regularly to the Human Rights Council and the General Assembly."

15. The Special Rapporteur confirms that Human Rights Council resolution 25/18 will form the roadmap of his mandate, subject to its being read in conjunction with other Council resolutions, notably the preambular part of resolution 22/6 in which the Council draws attention to the legal framework within which human rights defenders work, and the hindrances that certain national legislations place in the way of their legitimate activities of promotion and protection of human rights.

16. The Special Rapporteur intends to carry out specific work in those areas and to return to the Human Rights Council and the General Assembly with relevant recommendations.

III. Working methods

17. The Special Rapporteur will base his approach largely on the working methods drawn up by the preceding two mandate holders, observing the provisions of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council appended to Human Rights Council resolution 5/2 and as described in the Manual of Operations of the Special Procedures of the Human Rights Council adopted in June 2008 at the fifteenth annual meeting of mandate holders responsible for implementing the special procedures of the Human Rights Council.

18. However, he also plans to explore the possibility of developing new working methods which in some cases will be more appropriate to the advances in communication techniques, while still observing the rules applicable to mandate holders.

19. At the time of drafting of the present report, the Special Rapporteur is attempting to set up a series of regional consultations which will enable him to meet defenders in the field. The main objective of such consultations will be to work with them on current trends, the threats facing them and the specific needs applicable to certain at-risk categories of defenders. The aim will also be to discuss with them their perception of the effectiveness of the current protection programmes and mechanisms or the measures taken by States which hamper defenders' freedom of action. These regional consultations will also make it possible to verify the effectiveness of national measures taken by some governments to protect defenders, in particular national legislation and guidelines on the protection of human rights defenders, developed at international or national level.

A. Communications and press releases

20. Since taking office, the Special Rapporteur has been regularly sending communications to governments on the situation of human rights defenders and on the legislation, protection mechanisms and other topics relating to the defenders, as these are supplied to him from various sources. Such communications are very often undertaken jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, or other mandate holders.

21. He intends to intensify his cooperation with other mandate holders, especially with those holding a country mandate, and to examine with them the opportunities for joint or coordinated actions on the situation of the defenders in the countries for which they are responsible.

22. Similarly, the Special Rapporteur intends to study the possibility of launching joint actions with regional human rights mechanisms in Africa, the Americas and Europe.

23. He wishes to draw attention here to the importance of the work undertaken by the regional networks of defenders and also by the main international human rights organizations, which represent a very valuable source of information and will allow him to cross-reference and verify the information or allegations that he receives.

24. Such communications to governments take varying forms depending on the nature of the allegations received or the urgency of the situation. They represent the principal form of protection that the mandate holder is able to provide to the defenders.

25. Pursuing the spirit of transparency and dialogue with governments that guided the work of his two predecessors, the Special Rapporteur will continue to send communications to the relevant governments, as part of a coordinated effort to warn of or prevent human rights violations, protect human rights defenders, study alleged cases of violation and call on governments to bring those responsible to justice.

26. He intends to upgrade the tracking of communications which too often do not elicit a response, or not an adequate one, from certain governments. He intends, assisted by institutional partners, to undertake a more systematic quantitative and qualitative analysis of the communications issued and the responses received, in order to be able to provide information to States and to draw jointly with them whatever conclusions appear to be necessary.

27. He welcomes the declaration by Honduras during the twenty-sixth session of the Human Rights Council on behalf of the Group of 38 States on cooperation with the special procedures mandate holders and follow-up to communications, and recommends that States should respond better to the communications sent to them on situations concerning human rights defenders.

B. Country visits

28. Country visits constitute for all special procedures mandate holders a unique way of obtaining a better understanding of the reality of the countries and meeting government representatives and other stakeholders, especially human rights defenders.

29. The Special Rapporteur is aware of the workload that such missions impose on the authorities of the destination countries and wishes at this point to thank the governments that have issued invitations or welcomed a request to visit their country. He notes that, in order for him to obtain a better measure of the situation, his visits must be long enough to allow him to travel in the field, away from the national capital, in order to be able in particular to visit the defenders working in the more remote regions.

30. The Special Rapporteur intends to increase the frequency of such missions and he will send, or reissue, requests to visit several countries in a position to receive him officially. He hopes that his requests will be met with a prompt response which will make it possible for him to construct a short- and medium-term work plan.

31. As he is aware of the importance of the recommendations addressed to governments and very conscious of the need to follow up on them more systematically, the Special Rapporteur also intends to conduct follow-up missions to the countries already visited by the preceding mandate holders. He also intends,

when such action will be relevant and useful, and with the agreement of the States concerned, to explore the possibility of using visits planned to attend seminars or other meetings to meet the authorities of the country and to examine with them and other stakeholders the extent to which the recommendations made to them have been acted on.

C. Communication of information and thematic studies

32. The Special Rapporteurs regularly report to the Human Rights Council and the General Assembly, and the Special Rapporteur has read very attentively and with great interest the reports of his two predecessors which contain a large number of recommendations or suggestions which the Human Rights Council has examined within the scope of interactive dialogues. He intends to continue this work in order to be in a position to inform the Human Rights Council and the Assembly of the development of trends and threats on a regional or international scale.

33. In addition to his reports on the communications sent to governments or received from them and on the missions undertaken in countries, he will be involved in spheres of activity which will amplify the volume of knowledge accumulated by the earlier mandate holders. He will study new areas of analysis which will yield a deeper understanding of the Declaration on Human Rights Defenders, the many different aspects of their work and the difficulties they have to overcome.

34. The Special Rapporteur considers that the 2006 report of the former Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95/Add.5) is a tool which should be reexamined and updated. The importance of country profiles for tracking the situation of human rights defenders has been widely recognized and this tool would benefit from a wider distribution once it has been updated. The Special Rapporteur is conscious of the amount of work and resources that that would involve, beyond his reach at the present time, and is counting on the support of States to make it possible for him to carry out this activity.

IV. Activities

35. This section contains an overview of the activities undertaken by the Special Rapporteur in the period between his taking up his position, on 2 June 2014, and the finalization of the present report on 31 July.

36. The Special Rapporteur has launched a number of appeals and sent communications to governments on the situation of human rights defenders, as already described in the present report.

37. He took part in a meeting in Bern on 10 and 11 June, organized by the Swiss presidency of the Organization for Security and Cooperation in Europe (OSCE), on the occasion of the launching of the Organization's guidelines on the Protection of Human Rights Defenders.

38. On 13 June, he undertook a series of consultations with defenders who were in Geneva for the twenty-sixth session of the Human Rights Council.

39. In the same session of the Council, he took part in a side event in Geneva entitled "From threats to opportunities: Business and human rights defenders" organized by the International Service for Human Rights and the Legal Resources Centre of South Africa.

40. He took part in a meeting in Brussels on 17 June organized by the Permanent Mission of Ireland to mark the tenth anniversary of the European Union Guidelines on Human Rights Defenders, and also had consultations with representatives of the European Union.

41. The Special Rapporteur has prepared a series of regional consultations with human rights defenders, to take place in the coming weeks and months. These will allow him to penetrate deeper into his mandate and steer his activities in the years ahead. His future reports to the Human Rights Council and the General Assembly will inform them of the outcome of the regional consultations, which will undoubtedly have an impact on the performance of his mandate.

42. He has met various countries' Permanent Representatives to the United Nations in Geneva in order to discuss with them issues related to the performance of his mandate.

43. With his team and with other special procedures mandate holders he has held discussions on possible synergies and cooperation to be considered for the future.

V. Vision and priorities

44. This section examines the manner in which the Special Rapporteur envisages performing the mandate that has been entrusted to him. It acts as a roadmap for the activities ahead of him in the coming months and years.

A. Proposing a thorough analysis of trends and problems

45. The Special Rapporteur observes that, like his predecessors, he will be able to be more effective in fulfilling his primary task of supporting the work of human rights defenders and contributing to their visibility and protection if he remains abreast of the trends and the constants in this field.

46. For that reason, he is starting his mandate with a series of regional consultations, during which he intends to meet defenders and analyze together with them the national and regional trends, the threats against certain specific groups, the reprisals taken against them and the methods of protection developed in recent years, in order to evaluate their relevance and perhaps have them developed further on a case-by-case basis or more systematically.

47. Over and above the consultations with human rights defenders, the Special Rapporteur intends to make use of various opportunities, notably his travel to Geneva or to national capitals, to meet State representatives and listen to their observations and their points of view on developing trends, the effectiveness of the protection programmes and mechanisms, the impact of national legislation on the protection of human rights defenders or, as the Human Rights Council says in its resolution 25/18, the fact that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society

organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law, and the need to prevent and stop the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work. That is one of the issues on which the Special Rapporteur will work in the near future.

B. Identifying the challenges of the defenders who are the most exposed in order to contribute to more effective protection for them

48. In the course of the initial consultations held in Geneva and Brussels and the bilateral discussions which he has been able to have with representatives of regional networks of defenders, the Special Rapporteur has been struck, among other issues, by how frequently his attention has been drawn to the most exposed groups, such as those who are seeking to promote and protect economic, social and cultural rights or the rights of minorities; environmental defenders; defenders of the rights of lesbian, homosexual, bisexual, transsexual and intersex persons, female defenders and those who strive for the rights of women; defenders who work on issues of companies and human rights; those who work in an area exposed to an internal conflict or a natural disaster; defenders living in isolated regions; or those who work on past violations, who are especially targeted.

49. For several years, human rights defenders have been mobilizing for the protection promised by the Universal Declaration of Human Rights to be extended to the new threats hanging over human dignity. In this context they have been advocating for the protection of rights also to be guaranteed in the home or community setting, on the basis of their efforts to combat violence against women. They have been campaigning for multinational companies to be morally and legally responsible for any of their actions or omissions that deprive men and women of their fundamental rights. They have been mobilizing for universal access to primary education and to antiretroviral drugs to become fundamental rights rather than being considered as services dependent on charity or level of economic development.

50. All are frequently exposed to the same threats and attacks, but some of them are more exposed or more threatened, or are subject to particular forms of attack, notably denigration or intimidation campaigns, stigmatization, threats against their families, defamation, denunciation or mockery, or unfounded administrative complications.

51. That is also an issue which is raised constantly in the complaints and reports received on the situation of defenders, showing that certain defenders are even more exposed to specific risks related to their particular sphere of activity.

52. For that reason, the Special Rapporteur has decided to structure the discussions with defenders, to be held in the regional consultations, around the topic of specific issues relating to the most exposed groups, so as to provide input to his thinking and new protection and support mechanisms more in line with the need to protect those groups more specifically at risk.

53. Each of the future thematic reports and mission reports will contain a specific section dedicated to analyzing the development of trends and particular threats facing the most exposed groups.

54. The Special Rapporteur thus intends to explore in a more expansive manner the mandate of protection that has been entrusted to him and to go as far as possible in fulfilling that mandate to whatever extent appears to him to be necessary in order to provide information to the Human Rights Council and the General Assembly and, following the example of his predecessors, to pursue the development of new or increasingly sophisticated methods to contribute to the protection of the rights of the defenders.

C. Strengthening cooperation with other mandate holders

55. The Special Rapporteur has been struck by the number of cases relating not only to his own mandate on the situation of human rights defenders but also to the rights to freedom of peaceful assembly and association as well as the right to freedom of expression. Currently, all of the communications are ones issued jointly with other mandates, the majority of them having to do with the rights to freedom of peaceful assembly and association and with the promotion and protection of the right to freedom of opinion and expression.

56. Restriction of the right to freedom of assembly and association is often one of the earliest measures adopted by States to crack down on human rights defenders or to prevent them from promoting and protecting rights and freedoms. The recent reports submitted to the Human Rights Council by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the numerous complaints received show that the trend is steadily becoming more pronounced, and this is also one of the observations of the Human Rights Council in the preambular part of its resolution 25/18 renewing the mandate of the Special Rapporteur on the situation of human rights defenders. The Special Rapporteur intends to strengthen his cooperation with the mandate holder on the rights to freedom of peaceful assembly and of association and to propose new cooperative procedures.

57. Similarly, unwarranted restrictions on freedom of expression or opinion are often utilized by States to prevent defenders from expressing themselves or undertaking actions to protect and promote rights and fundamental freedoms.

58. This is the reason that the Special Rapporteur intends, while preserving the independence of his mandate, to broaden collaboration with the holders of the mandates closest to his own, in order to promote better protection for defenders and draw the attention of the international community to the methods employed by States to curb or prevent the activities of human rights defenders, and to propose processes of joint or coordinated action with these two mandates, which may possibly result, should it be appropriate, in activities or country visits with these two other mandate holders.

59. The Special Rapporteur is also envisaging the possibility of developing, as appropriate, a series of joint actions with other thematic mandate holders who are also dealing with cases of threats or attacks against human rights defenders or of violations of their rights.

60. He also intends, at an appropriate moment, to act more closely with country mandate holders in order to increase the effectiveness of the protection provided to defenders in the countries for which they are responsible, exploring with them the

possibility of making it a general practice to include in their reports a specific section on the situation of defenders, if such a practice would be appropriate.

D. Ensuring better follow-up to communications and country visits

61. The Special Rapporteur has been struck by the low number of responses coming from governments,¹ given the number of urgent appeals and well-documented written allegations. Also, even when responses are recorded they very often do not exactly cover the situation or file referred to, being sometimes couched in very general terms without real relevance to the gravity of the cases reported.

62. Similarly, at the time of initial consultations with defenders, the issue of the follow-up to files appeared to be of crucial importance. Few of the defenders knew whether the file they sent to the mandate holder had been received, and how their complaint had been dealt with. While safeguarding the necessary confidentiality regarding the data received and the use made of them, the Special Rapporteur considers that, at the least, a formal acknowledgement of receipt should be given to any person, any organization or any network sending in a complaint or calling on the mandate holder to take action. This should be done in strict observance of the code of conduct and of the confidentiality of the interactions between the Special Rapporteur and governments. He intends to study the matter jointly with the main partner organizations in order to confirm with them the procedures that would be desirable and applicable in such cases.

63. Follow-up is important given the need to avoid the risk of people's rushing headlong into multiple and repeated submissions of information, forgetting that the Special Rapporteur has taken action in the past on hundreds of cases, each of which tells an individual story that demands a specific response, silence being the worst possible response.

64. At the same time follow-up is important to demonstrate, through the recounting of cases which were positively resolved, the good practices that can be reutilized or duplicated to increase the likelihood of obtaining positive results in a larger number of occurrences. The Special Rapporteur therefore intends, when possible, to illustrate his reports with positive accounts showing the relevance or effectiveness of a good practice.

65. The Special Rapporteur intends to make the issue of follow-up one of the major thrusts of his activities, and intends to provide regular and detailed information to the Human Rights Council and the General Assembly on cases of non-response, while at the same time informing them regularly on the follow-up applied to communications.

66. If resources allow, he intends to undertake a scientific study on the follow-up to communications and on the impact of non-response from States on the situation of defenders, and also regularly to repeat his contacts with non-responsive States.

67. All stakeholders, to some degree or other, have a specific responsibility in the process of following-up on communications and files. This is above all a responsibility of governments, since they hold the primary responsibility for heading off human rights violations and threats and attacks against defenders.

¹ The average rate of responses from States is around 45 per cent.

Further, they also have the responsibility of combating impunity and bringing to justice those responsible for rights infringements.

68. In her report covering national institutions for promotion and protection of human rights (A/HRC/22/47), the previous mandate holder showed the beneficial role that they may play not only in following up on recommendations but also in the processing of individual files. The Special Rapporteur intends to call on national institutions accredited as "Category A" to be partners in following up on recommendations in general, and also in following up on individual files whenever that seems appropriate.

69. Follow-up to country visits will also be a major thrust of the Special Rapporteur's activities. He intends, subject to availability of resources and where possible, to intensify the number of follow-ups to country visits and meetings with authorities to hear their views on the action taken in response to urgent recommendations and appeals.

E. Promoting enhanced cooperation with all parties concerned

70. Numerous parties are involved in protection of defenders and promotion of the Declaration on Human Rights Defenders: the United Nations, regional mechanisms for protection of human rights defenders, national human rights institutions, non-governmental organizations, regional courts and the media.

71. The United Nations, as a whole, is an essential actor needed to participate to some degree or other in the protection of defenders at risk.

72. This applies especially to peacekeeping missions when they have a specific mandate on human rights, as is the case, for example, for the United Nations Office in Burundi, the United Nations Stabilization Mission in Haiti, or the United Nations Stabilization Mission in the Democratic Republic of the Congo. The Special Rapporteur intends to make contact with the heads of peacekeeping missions, as well as with the Department of Peacekeeping Operations, in order to present his mandate and discuss possible cooperation to ensure better protection of defenders facing internal unrest or post-conflict situations.

73. Similarly, relations with the United Nations country teams on the ground and with United Nations bodies and agencies could be strengthened to make their contribution to the protection of defenders more effective, subject to the characteristics of the mandates of each of them.

74. As well as the United Nations, however, regional organizations can and should play a role in protecting defenders. The preceding mandate holders initiated and developed high-quality relations with such mechanisms in Africa and the Americas.

75. The Special Rapporteur takes the view that the principle of subsidiarity must apply in the protection of defenders. It is primarily the role of States to protect them, in particular by developing relevant legislative or regulatory measures. Here, the Special Rapporteur intends to intensify his efforts to convince governments to develop specific national measures, following the example of Brazil, Colombia, Côte d'Ivoire and Mexico, and it is also his intention to hold a consultation and undertake a study on this subject, with the aim of demonstrating the effectiveness of

national mechanisms in the protection of defenders, or alternatively to reveal the measures to be taken to improve that effectiveness.

76. However, if States are falling short, then the regional mechanisms that exist should be able to intervene to ensure protection for defenders, where that is possible. Unfortunately, looking beyond Africa and the Americas, there are no such specific mechanisms in Europe² or Asia.

77. The Special Rapporteur was interested to attend the presentation of the OSCE's guidelines on the Protection of Human Rights Defenders, taking advantage of that meeting to initiate promising contacts with the Commissioner for Human Rights of the Council of Europe and the European Union Special Representative for Human Rights, both of whom requested him to arrange for coordination in Europe with their respective mandates.

78. The Special Rapporteur plans to initiate enhanced cooperation with regional mechanisms in order to undertake with them, as appropriate, concrete actions to bring about coordination between the international and regional levels. Such cooperation may take various forms, such as joint public appeals, shared missions or common publications in the media when this is desirable.

79. The previous Special Rapporteur showed in her report on the situation of human rights defenders (A/HRC/22/47) the specific role that national human rights institutions and the mediator can play in the area of promotion and protection of defenders.

80. The Special Rapporteur intends to strengthen his relations with national institutions, either individually or collectively, by working through their International Coordinating Committee or their regional networks, or directly at national level, not only to promote the Declaration on Human Rights Defenders but also to facilitate follow-up to communications.

81. The Special Rapporteur naturally also plans to pursue and develop the excellent relations he has with international, regional and national non-governmental organizations specializing in the protection of human rights defenders, in particular those who actually provide protection or relocation of defenders, observing the working rules applicable to special procedures mandate holders and the requisite independence of each of them.

82. The Special Rapporteur intends to develop his cooperation with regional courts³ which, especially on the basis of new provisional measures, make it possible to ensure protection of defenders, particularly those who are threatened with refoulement or being deported to countries at risk. Numerous accounts received have shown the effectiveness of such measures, since States have an obligation to implement them and suspend such deportations.

83. Finally, in the context of cooperation with other stakeholders, the Special Rapporteur wishes to draw attention to the essential role played by the media and

² Although the Commissioner for Human Rights of the Council of Europe and the European Union Special Representative for Human Rights do have a mandate which partially covers the problems and issues relating to defenders of human rights.

³ European Court of Human Rights, Inter-American Court of Human Rights, African Court of Justice and Human Rights and Court of Justice of the Economic Community of West African States.

social networks in the promotion of the Declaration on Human Rights Defenders and the effective protection of defenders. He has been made aware of numerous cases of journalists, notably those providing broadcast reports or written articles on human rights, whistleblowers and bloggers, and considers such individuals to be human rights defenders, given that they observe the criteria set forth in the Declaration. He intends to widen and strengthen his cooperation with such individuals as he fulfils the mandate that has been entrusted to him.

F. Developing the distribution of good practices

84. Owing to the actual nature of his mandate, the Special Rapporteur is going to devote the major part of his activities to follow-up on files and to making a contribution to more effective protection of defenders through missions, appeals and communications and also coordination with the stakeholders concerned.

85. However, the Special Rapporteur is conscious that activities of protection and activities of promotion are complementary. In this area, he has been struck by the extraordinary vitality of the defenders, specialized non-governmental organizations and networks of defenders who since the adoption of the Declaration on Human Rights Defenders, in other words in under 15 years, have been able to develop and fine-tune mechanisms of protection, international solidarity and rapid reaction to threats and attacks, including by mobilizing the most modern technological resources and the social networks.

86. Similarly, some States and groups of countries have developed their own tools, guidelines, national legislation and visa-issue and relocation mechanisms to be more capable of warding off infringements of defenders' rights and providing protection to those who need it.

87. Seminars, round tables, platforms and other consultations are regularly organized on every continent to train the defenders and teach them techniques of protection, including how to protect their means of communication against risks of surveillance. These meetings are also a forum for exchanges of good practices in which some learn of the best techniques of others, and the Special Rapporteur will respond affirmatively, to the extent possible, to invitations to him to participate in such gatherings.

88. Finally, the Special Rapporteur intends to play a significant part in the distribution of good practices which can have a multiplier effect on the protection and promotion of the right to defend human rights, provided that they are distributed widely, including to the most isolated defenders.

G. Promoting the dissemination of the Declaration on Human Rights Defenders

89. In the fifteen years after its adoption by the General Assembly in the latter's resolution 53/44, the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms has been very widely disseminated and promoted by various stakeholders. Although a major effort has been made to translate it into an ever-growing number of languages or dialects, it is still too little

known to those who have the particular responsibility to implement it, namely governments, or those who can best benefit from it, namely the human rights defenders themselves.

90. Consequently, in each of the activities which the Special Rapporteur will be led to develop, he will pay attention to the promotional aspect of the Declaration and will encourage States, international organizations and other actors to make an extra effort, over time, to have it translated into a greater number of languages and dialects. He will continue to appeal to the Permanent Missions and other stakeholders to remind them of paragraph 10 of General Assembly resolution 64/163 in which it strongly encourages States to translate the Declaration and to take measures to ensure its widest possible dissemination at the national and local levels.

91. In addition, during each of his missions, he will seek information from the authorities of the countries visited as to the measures taken to promote awareness and training in regard to the Declaration in order to enable officials, institutions, authorities and members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights, as well as for their work, in line with paragraph 11 of General Assembly resolution 64/163.

92. Finally, because of the threats and risks to which rights defenders living in isolated and remote areas are exposed, he intends to make a special effort to distribute the Declaration to them, making it possible for them to draw benefit from its message of protection.

H. Raising the visibility of the situation of defenders

93. The Special Rapporteur is conscious of the responsibility incumbent upon him to proclaim loud and clear the rights of defenders to any who would contest those rights. It is also his responsibility to state that all who are active in promotion of rights and defend them are *de facto* defenders, and that someone certainly does not need to be a member of an organization in order to be a defender. It follows then that governments have no right to refuse protection simply because the defender concerned does not belong to an organization.

94. For that reason, he intends to make the issue of the visibility of defenders' work a major priority of his activities, using the means at his disposal and at the same time observing the working rules of the special procedures mandate holders.

95. The Special Rapporteur thus intends to develop communication activities to make the issue of the importance of human rights defenders more visible, working through the press and the social networks such as Facebook and Twitter.

96. He also plans to use the same communication techniques to broaden his interaction with defenders, studying the procedures and methods that will allow them to communicate more directly with him when that is necessary and possible.

I. Combating impunity and reprisals

97. The Special Rapporteur has taken note, with concern, of the reprisals committed against individuals or non-governmental organizations who have

cooperated with special procedures mandate holders, as described in the report of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/24/29).

98. He has also been struck by the number and gravity of the threats hanging over the defenders who enter into direct dialogue with regional or international organizations for protection and promotion of human rights in order to inform them of situations or to expose human rights infringements or violations.

99. Reprisals may take various forms, from threats against the defenders themselves or their families, defamation campaigns, death threats, physical violence, abductions, hounding by law enforcement, assassinations or various forms of harassment and intimidation by the police.

100. The Special Rapporteur refers to the joint statement of 15 March 2012 by the Rapporteurs on Human Rights Defenders from the United Nations, the African Commission on Human and People's Rights and the Inter-American Commission on Human Rights on reprisals against individuals and groups seeking to cooperate with those three institutions. He welcomes the determined stance of the President of the Human Rights Council in calling on States to combat this phenomenon.

101. He also stresses the importance of the joint statement delivered in March 2014 by Botswana on behalf of a group of 47 States to the twenty-fifth session of the Human Rights Council which referred to the call by the Secretary-General and the United Nations High Commissioner for Human Rights for organizational coherence and a systematic approach by the United Nations to protect civil society actors better.

102. The Special Rapporteur is very concerned with this issue and wishes to contribute to raising the awareness of the international community accordingly, notably its awareness of the role that the United Nations must play to deal with the issue and bring States to face up to their responsibilities.

103. He stresses the need to undertake intensified surveillance and action to ensure observance of the normative agreements and rules of procedure of the United Nations, the African Commission on Human and People's Rights and the Inter-American Commission on Human Rights, which explicitly prohibit acts of reprisal by State and non-State actors.

104. The Special Rapporteur intends that one of the main lines of his work will be to combat the culture of impunity, and he plans to research this matter and show in one of his forthcoming reports that it is partially because of the *de facto* impunity enjoyed by perpetrators of reprisals against defenders that the phenomenon grows and expands.

VI. Conclusions and recommendations

105. The present report presents the vision and the priorities which the Special Rapporteur wishes to share with the Member States and other stakeholders regarding the way in which he intends to carry out the statutory activities laid down, working in a spirit of openness, frankness and transparency which he will maintain throughout the duration of his office. He is conscious of the importance of this mandate and will devote his time and energy to completing

the tasks assigned to him, with the overriding objective of serving the underlying cause.

106. He will interpret his mandate as widely as possible in order to make it as effective as possible, at the same time basing his approach on the results obtained by his predecessor, on the knowledge acquired and the working methods used to date, while observing the rules applicable to special procedures mandate holders. But he also plans to explore new paths and innovative working techniques where that appears appropriate.

107. As the central function of the mandate is the protection of the rights of human rights defenders, the Special Rapporteur will place a greater emphasis on the aspects of his duties having to do with promotion of those rights. He will focus his attention on good practices relating to the protection of human rights defenders and to the promotion of the defence of those rights, and on achieving extensive awareness of the Declaration on Human Rights Defenders.

108. The Special Rapporteur hopes to be able to create the conditions that will allow him closer interaction with governments in follow-up to communications and a more effective treatment of the issue of impunity.

109. Understanding the major impact of modern communication techniques, he will make it one of his objectives to create greater visibility for and enhanced awareness of the role played by defenders.

110. The Special Rapporteur has noted with concern the resurgence of reprisals against defenders and he intends to make a contribution to awareness-raising among all actors as to the political responses to be applied to this issue.

111. He intends to follow up more closely on groups needing special protection, in order to be able to put forward a more fitting response to the problems encountered by each of such groups.

112. Finally, the Special Rapporteur intends to strengthen cooperation and develop greater synergy with other mandate holders, regional mechanisms and all stakeholders.

113. In his reports to the General Assembly and the Human Rights Council, the Special Rapporteur will have occasion to make numerous recommendations either to all States or else targeted recommendations annexed to his mission reports. However, he will also be vigilant that his recommendations do not remain without a response and will from time to time carry out an analysis of the responses or lack of responses to his recommendations.

114. The Special Rapporteur welcomes the extension of the mandate and will always be conscious of the preamble and the recommendations of the resolution which will be the guiding lines of his future work.

115. It is his intention at the end of the three years of his mandate to publish an accounting of the implementation of his vision and his priorities as well as information on the difficulties and obstacles encountered.